

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ELIZIER SCHER,	:	
	:	S1 22 Cr. 320 (PMH)
Defendant.	:	
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WHEREAS, on or about February 1, 2023, ELIZIER SCHER (the “Defendant”), was charged in a one-count Superseding Information, S1 22 Cr. 320 (PMH) (the “Information”), with theft of public funds, in violation of Title 18, United States Code, Section 641;

WHEREAS, the Superseding Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Superseding Information;

WHEREAS, on or about February 1, 2023, the Defendant pleaded guilty to Count One of the Superseding Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, a sum of money equal to \$1,648,900 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$1,648,900 in United States currency, representing the amount of proceeds traceable

to the offense charged in Count One of the Superseding Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Superseding Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney James McMahon, and the Defendant, and his counsel, Andrew Goldstein, Esq.; Michael Berkovits, Esq; Susan Necheles, Esq; and Gedalia Stern, Esq., that:

1. As a result of the offense charged in Count One of the Superseding Information, to which the Defendant pled guilty, a money judgment in the amount of \$1,648,900 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count One that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ELIZIER SCHER, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St.

Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:



JAMES MCMAHON
Assistant United States Attorney
50 Main Street, Suite 1100
White Plains, NY 10606
(914) 993-1936

1/17/24
DATE

ELIZIER SCHER

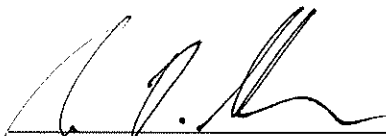
By:



ELIZIER SCHER

1/17/24
DATE


By:



Attorney for Defendant

1/17/24
DATE

SO ORDERED:



HONORABLE PHILIP M. HALPERN
UNITED STATES DISTRICT JUDGE

1/17/2024
DATE